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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/770,618 | 02/02/2004 | Ted Blocker | BRH 302A | 2306 |
| 23581 | 7590 | 06/15/2005 | EXAMINER | |
| KOLISCH HARTWELL, P.C. 520 S.W. YAMHILL STREET SUITE 200 PORTLAND, OR 97204 | | | ALIMENTI, SUSAN C | |
| | | ART UNIT | PAPER NUMBER | |
| | | | 3644 | |

DATE MAILED: 06/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| Office Action Summary | Application No. | Applicant(s) |
|------------------------------|------------------------|---------------------|
| | 10/770,618 | BLOCKER, TED |
| Examiner | Art Unit | |
| Susan C. Alimenti | 3644 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 04 April 2005.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 5-7 and 9-12 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) 5 is/are allowed.

6) Claim(s) 6,7 and 9-12 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date
4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ .
5) Notice of Informal Patent Application (PTO-152)
6) Other:

DETAILED ACTION

1. The indicated allowability of claims 6-7, and 9-12 is withdrawn in view of the newly discovered reference to Wilslef (US 2,052,065). Rejections based on the newly cited reference follow.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 7 and 10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 7 recites the limitation "the retention member" in line 2. There is insufficient antecedent basis for this limitation in the claim. It appears the word "retention" should be changed to "retaining."

Claim 10 recites the limitation "the mounting structure" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 6 and 9-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Wilslef (US 2,052,065).

Wilslef discloses the invention for securing an animal to a fixed object (back wall of stall), as recited in claim 6, comprising a securing device (manger 2), via a lead line (hitching rope 7) coupled to the animal (left column, lns.42-44). The securing device comprises a frame (front wall of manger 2), and a retaining member 6, pivotally secured to said frame. The method of securing the animal comprises inserting the lead line 7 through the frame, best viewed in Figure 2, and extending a portion of the lead line 7 around the retaining member 6. When the lead line 7 is pulled into contact with the retaining member 6, the retaining member moved toward a closed position where the retaining member 6 contacts the frame (front wall of manger 2). As is clear from Figures 2 and 3, the retaining member and frame are further free of surface features that impede smooth sliding of the line 7 across the surfaces.

With regard to claim 9, and as stated above, when the retaining member 6 is in the closed position (Figure 3), the end of said retaining member that is not pivotally attached to the frame is in contact with said frame.

Regarding claim 10, the frame includes opposing sides defined as the portions of the frame to the right, left, top and bottom of slot 3. The opposing sides define a closed perimeter, and the retaining member 5 is disposed in between the opposing sides. The lead line 7 is interlaced through the opposing sides and around the retaining member 6, to frictionally engage the line 7 with the frame and retaining member 6.

Regarding claim 11, when the lead line 7 is pulled to frictionally engage the retaining member 6 and frame, the end of the retaining member 6 that is not pivotally attached to the frame is pulled into contact with said frame.

Finally regarding claim 12, the portion of the frame that forms slot 3 is considered to be of a “ring-like” configuration.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wilslef in view of Grimsley (US 273,191).

Wilslef discloses the claimed invention except the retaining member does not include a bend configured to urge the lead line to a location spaced from the central region of the retaining member. Thomas discloses a lead line coupling device, in the same field of endeavor, comprising a structure similar to Wilslef's device, i.e. rope fitting through a ring-like frame and around a pivoting retaining member. Thomas' retaining member (bar D), comprises a bend or indentation in the surface of said retaining member D at the point where the lead line (rope E) makes contact with the retaining member (Thomas, Figure 3). This indentation helps the lead line E make more complete contact with the retaining member D, increasing the amount of friction to resist sliding (Thomas, right column, Ins.46-48 & 59-64). It would have been obvious

to one having ordinary skill in the art at the time the invention was made to create a bend in Wilslef's retaining member at the point where the rope 7 contacts the retaining member 6, a location that is spaced from the center of the retaining member 6, in order to create better contact with the retaining member and more friction, thus enhancing the coupling feature between the rope 7 and the member 6.

Allowable Subject Matter

8. Claim 5 is allowed.

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susan C. Alimenti whose telephone number is 571-272-6897. The examiner can normally be reached on Monday-Friday, 9am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harvey Behrend can be reached on 571-272-6871. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

10. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



MICHAEL J. CARONE
SUPERVISORY PATENT EXAMINER